

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN SMITH,

No. C 11-1394 SI (pr)

Petitioner,

ORDER OF DISMISSAL

v.

RANDY GROUNDS, warden,


Respondent.

Brian Smith has filed a petition for writ of habeas corpus that alleges the same due process claims that were alleged in his habeas petition in Smith v. Grounds, C 11-1238 SI, mailed at or about the same time as his petition in this action. It appears that petitioner was not attempting to file two separate actions, but was sending two copies of his one petition (albeit in separate envelopes). The petition is now dismissed and this case is closed because it was opened in error. All further filings must be in Case No. C 11-1238 SI.

The clerk shall close the file.

IT IS SO ORDERED.

DATED: May 2, 2011



SUSAN ILLSTON
United States District Judge